



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-0001

OFFICE OF THE DIRECTOR

FEB 28 2006

MEMORANDUM FOR CHIEF HUMAN CAPITAL OFFICERS

FROM:

LINDA M. SPRINGER
DIRECTOR

A handwritten signature in dark ink, appearing to be "LMS", is written over the name and title of Linda M. Springer.

Subject:

Veterans' Preference for Operation Iraqi Freedom and Clarification
of Eligibility for Individuals Released from Active Duty Military
Service.

On January 6, 2006, the President signed into Public Law 109-163, the Defense Authorization Act for Fiscal Year 2006. This law contains two provisions (sections 1111 and 1112 of Title XI) regarding certain veterans. The first provision, section 1111, accords veterans' preference for certain veterans who served on active duty during the period beginning on September 11, 2001, and ending as of the close of Operation Iraqi Freedom.

This means that anyone who served on active duty for a period of more than 180 consecutive days, any part of which occurred during this period of time, regardless of location, is entitled to veterans' preference if otherwise eligible. This applies not only to candidates seeking employment, but to Federal employees that are qualifying veterans who may be affected by reduction in force as well.

The second provision, section 1112, clarifies that veterans' preference eligibility for Federal hiring authorized under section 2108(1) of title 5, United States Code, is available to individuals "who are discharged or released from active duty service. . ." as opposed to those individuals "separated from the armed forces". The revised section 1112 is consistent with OPM's long-standing policy pertaining to the application of veterans' preference for individuals released from active duty military service.

We are revising our regulations and web-based guidance (Vetguide at <http://www.opm.gov/employ/veterans/html/vetguide.asp#2Types> and the Delegated Examining Operations Handbook at http://www.opm.gov/deu/Handbook_2003/) to reflect this change of statute. A copy of sections 1111 and 1112 is attached.

Attachment

cc: Human Resources Directors
Veterans Service Organizations

Final language as it appears in Record:

Title XI

SEC. 1111. VETERANS' PREFERENCE STATUS FOR CERTAIN VETERANS WHO SERVED ON ACTIVE DUTY DURING THE PERIOD BEGINNING ON SEPTEMBER 11, 2001, AND ENDING AS OF THE CLOSE OF OPERATION IRAQI FREEDOM.

(a) Definition of Veteran.--Section 2108(1) of title 5, United States Code, is amended--

- (1) in subparagraph (B), by striking ``or'' at the end;
- (2) in subparagraph (C), by adding ``or'' after the semicolon; and
- (3) by inserting after subparagraph (C) the following:

``(D) served on active duty as defined by section 101(21) of title 38 at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom;''.

(b) Conforming Amendment.--Section 2108(3)(B) of such title is amended by striking ``paragraph (1)(B) or (C)'' and inserting ``paragraph (1)(B), (C), or (D)''.

Final language as it appears in Record:

Title XI

SEC. 1112. VETERANS' PREFERENCE ELIGIBILITY FOR MILITARY RESERVISTS.

(a) Veterans' Preference Eligibility.--Section 2108(1) of title 5, United States Code, is amended by striking ``separated from'' and inserting ``discharged or released from active duty in''.

(b) Savings Provision.--Nothing in the amendment made by subsection (a) may be construed to affect a determination made before the date of enactment of this Act that an individual is a preference eligible (as defined in section 2108(3) of title 5, United States Code).